

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

10/10/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00372SOM
CASE NAME: USA vs. (01) Cathleen A. Freitas
ATTYS FOR PLA: Marshall Silverberg
ATTYS FOR DEFT: 01 Cynthia Kagiwada
Anne Shimokawa (USPO)

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|--------|-------------------|-----------|-------------|
| JUDGE: | Susan Oki Mollway | REPORTER: | Debra Chun |
| DATE: | 10/10/2006 | TIME: | 3:00 - 3:30 |

COURT ACTION: EP: Sentencing to Counts 1 and 24 of the Indictment -

Defendant (01) Cathleen A. Freitas present.

Court adopts the PSR and the USPO's recommendation, and they are placed under seal.

Memorandum of plea agreement is accepted by the Court.

Allocution by the defendant.

ADJUDGED:

Imprisonment: 8 Months as to Count 1, plus a mandatory 24 Months as to Count 24, to be served consecutive to Count 1.

Supervised Release: 5 Years as to Count 1, 1 Year as to Count 24, both terms to run concurrently.

Restitution: \$3,984.

Special Assessment: \$200 (\$100 as to each of Counts 1 and 24).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant pay restitution of \$650 to First Hawaiian Bank, and \$3,334 to Bank of Hawaii, for a total of \$3,984. Restitution shall be paid immediately and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of her monthly gross income. Interest is waived while the defendant is serving her term of imprisonment and shall commence to accrue on any remaining balance upon her release on supervision.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office.

- ▶ That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
- ▶ That the defendant shall submit her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Defendant advised of her right to appeal.

Government's Motion to Dismiss Counts 2 - 23 as to this Defendant only - Granted.

JUDICIAL RECOMMENDATIONS: 1) Dublin; 2) 500 Hour Comprehensive Drug Treatment Program; 3) Mental Health Treatment; 4) Vocational and Educational Training.

Mittimus forthwith.

Defendant remanded to the custody of the USM.

Submitted by: Toni Fujinaga, Courtroom Manager.